

Samuel B. Rudolph (CA State Bar No. 161149)
LAW OFFICE OF SAMUEL B. RUDOLPH
22762 Main Street
Hayward, California 94541
Telephone: (510) 886-4876
Facsimile: (510) 538-7186
Email: srudolph1@sbcglobal.net

Attorney for Plaintiff
FRED R. MASSIE

Stuart W. Miller (CA State Bar No. 127766)
Michelle D. Fife (CA State Bar No. 240554)
DAVIS WRIGHT TREMAINE LLP
One Embarcadero Center, Suite 600
San Francisco, California 94111
Telephone: (415) 276-6500
Facsimile: (415) 276-6599
Email: stuartmiller@dwt.com
micellefife@dwt.com

Attorneys for Defendant
BONNEVILLE INTERNATIONAL CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

On July 24, 2006, the Court entered a Stipulation and Order Selecting ADR Process, referring this matter to Early Neutral Evaluation (ENE). The Court held a Case Management Conference in this matter on July 27, 2006. Subsequently, Dirk M. Schenkkkan, Esq. was appointed as the Early Neutral Evaluator. Mr. Schenkkan held a telephone conference with

1 counsel for the parties on August 10, 2006 to schedule the ENE and discuss related matters. On
2 August 14, 2006, the Court issued a further Stipulation and Order Regarding Date for Completing
3 Early Neutral Evaluation Process, which ordered that the parties may conduct the ENE on October
4 10, 2006 and complete the ENE process by October 25, 2006.

During the August 10, 2006 conference call with Mr. Schenkkan, counsel for the parties requested that the ENE be converted to a mediation. Mr. Schenkkan so agreed, and thereafter notified the ADR Case Administrator, Claudia Forehand, of that agreement. By email of August 22, 2006, Ms. Forehand requested that counsel notify the Court of their intentions and file a stipulation and proposed order removing the case from the ENE program and reassigning the case to mediation under the ADR Local Rules.

Consequently, the parties request that the Court remove the case from the ENE program and reassign it to mediation under the ADR Local Rules, such mediation to be conducted by Dirk M. Schenckkan, Esq. on October 10, 2006 and completed, if necessary, by October 25, 2006.

¹⁴ DATED: August 22, 2006

LAW OFFICE OF SAMUEL B. RUDOLPH

By: _____ /s/ *Samuel B. Rudolph*
SAMUEL B. RUDOLPH
Attorney for Plaintiff FRED R. MASSIE

17 || DATED: August 22, 2006

DAVIS WRIGHT TREMAINE LLP
STUART W. MILLER

19 By: /s/ Stuart W. Miller
20 STUART W. MILLER
Attorneys for Defendant BONNEVILLE
INTERNATIONAL CORPORATION

[PROPOSED] ORDER

Pursuant to the Stipulation above, this action is hereby removed from the ENE program and reassigned to mediation pursuant to the ADR Local Rules, such mediation to be conducted by Dirk Schenkkkan, Esq. on October 10, 2006 and completed, if necessary, by October 25, 2006.

25 || IT IS SO ORDERED.

27 DATED: August 29, 2006

A circular seal of the United States District Court, Southern District of California. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF CALIFORNIA" at the bottom. Inside the circle, there is a red rectangular box containing the text "IT IS SO ORDERED" at the top and a blue handwritten signature in the center. Below the signature, the text "Judge Phyllis J. Hamilton" is printed. To the left of the box, the words "HONORABLE" and "UNITED" are partially visible. To the right, the words "MELTON" and "JUDGE" are partially visible. At the bottom right of the seal, the code "SFO 3463" is printed.